IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Crl.MC.No. 3513 of 2007()

CC.215/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II,NEYYATTINKARA

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PETITIONER: ACCUSED 3,4 & 6

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1. RAKESH SANKAR, S/O.SIVASANKARAN NAIR, `SIVASREE', VETTAMANGALAM, MARANALLUR VILLAGE, NEYYATTINKARA TALUK.

2. PRASAD, S/O.SASIDHARAN NAIR, `DEEPASADANAM', VENPAKAL, ATHIYANNOOR VILLAGE, NEYYATTINKARA TALUK.

3. SHIJI, S/O.GOVINDAPILLAI, CHENKITTAVILAKOM VEEDU, PANACHAMOODU, KUNNATHUKAL VILLAGE, NEYYATTINKARA TALUK.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI. M.S. BREEZ.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. No. 3513 OF 2007

Dated this the 22nd day of November, 2007

ORDER

The petitioners are accused 3, 4 and 6 in a prosecution for offences punishable, inter alia, under Sec.452 of the IPC and Sec.3 of the PDPP Act. The petitioners were students at the relevant time. Cognizance was taken as early as in 2005. The trial has not commenced. The petitioners want their case to be disposed of expeditiously. The petitioners aspire to get appointment in Government service as they are included in the P.S.C. rank list. Two of them want to go abroad to seek employment. The case now stands posted to 13/5/08. The petitioners pray for a direction for expeditious disposal.

2. I am at a loss to understand why the petitioners are coming to this Court. Did they move the learned Magistrate to advance the hearing? Did they apprise the learned

Magistrate of the need for expedition of this case? Was the learned Magistrate apprised the circumstances which the petitioners want this Court to take note of? Obviously, they have not done the same. It will be virtually impossible for this Court to decide the schedule of work of the subordinate courts considering the needs of each inductee. It is for the petitioners to approach the learned Magistrate and make necessary application to advance the hearing of the case and pray for expeditious disposal. The petitioners do seem to have reasonable and satisfactory cause for such advancement. They must move the learned Magistrate for expeditious disposal. Should they not succeed there, certainly the petitioners will be justified in coming to this Court seeking appropriate further directions.

3. It will be a bad precedent if this Court were to issue specific directions in such matters even before the parties move the courts concerned. In these circumstances, the petitioners

must move the learned Magistrate for expeditious disposal of the case and the learned Magistrate must consider such request.

4. With the above observations, this petition is dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge